

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

**PINNACLE PACKAGING
COMPANY, INC.,**
an Oklahoma corporation,
POLO ROAD LEASING, LLC,
an Oklahoma limited liability company,
and
J. SCOTT DICKMAN,

Plaintiffs,

Case No. 4:12-CV-00537-JED-TLW

v.

CONSTANTIA FLEXIBLES GmbH, an
Austrian corporation, and
**ONE EQUITY PARTNERS (EUROPE)
GmbH**

Defendants.

DECLARATION OF BERTRAM BURTSCHER

Pursuant to 28 U.S.C. § 1746, Bertram Burtscher declares as follows:

1. I am a partner of the law firm Freshfields Bruckhaus Deringer, attorneys for Defendants Constantia Flexibles GmbH (“Constantia”) and One Equity Partners (Europe) GmbH (collectively “Defendants”). I am admitted to practice law in Austria. I submit this Declaration in support of Defendants’ motion for a protective order (the “Motion”) related to Plaintiffs’ deposition notices of Thomas Unger and Constantia filed in the above-captioned lawsuit.

U.S.-STYLE DEPOSITIONS IN AUSTRIA

2. It is my opinion that the direct taking of evidence by foreign courts in Austria may be legitimate if prior permission of the Austrian Minister of Justice has been obtained.

3. It is further my opinion that the Austrian Minister of Justice has chosen a practical approach to addressing requests for discovery in connection with a U.S. proceeding. For

example, the Austrian Minister of Justice usually approves requests for permission for U.S. legal counsel to take evidence in Austria, including depositions, if it is supported by U.S. courts and the evidence is voluntarily given.

4. In addition, it is my opinion that use of a court reporter and videographer during the deposition would be permissible, so long as all parties agree to it.

APPLICATION OF DATA PROTECTION LAWS

5. Austria has data protection laws that, *inter alia*, restrict the transfer of certain types of data from Austria outside of its jurisdiction. Since Constantia is an Austrian corporation, it is my opinion that it would be subject to Austrian data protection laws.

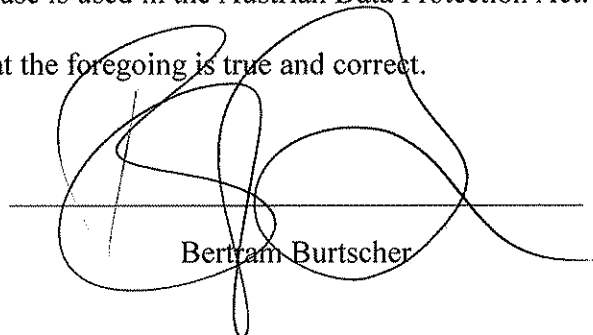
6. It is further my opinion that home addresses and home phone numbers are regarded as personal data under Austria's data protection laws.

7. Transferring personal information out of Austria, including by providing it to opposing counsel in a U.S. litigation, may violate Austria data protection laws, if the information is not necessary for the litigation.

8. I am informed that the current Constantia employees could be contacted through their counsel, Freshfields Bruckhaus Deringer US LLP, as well as their Constantia addresses and phone numbers. I therefore do not believe their personal home addresses and phone numbers would be necessary for litigation, as that phrase is used in the Austrian Data Protection Act.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Vienna, Austria
July 21, 2015



Bertram Burtscher